

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

2008 JUL 31 P 2:42

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

Civil Action No. CV 08-03367 RS

JF

CHARLES W. O'BRYAN JR.

Plaintiff

v.

RODEO EXPRESS CHARTER, ET AL.

Defendant

Summons in a Civil Action

To: *(Defendant's name and address)*

Sergio Hernandez
326 Phelan Avenue
San Jose, CA 95112

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Charles W. O'Bryan, Jr
1275 Ashcroft Lane, San Jose, CA 95110

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wieking

Name of clerk of court

Betty L. Vaites

Deputy clerk's signature

Date: July 16, 2008

UNEXECUTED

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons (Page 2)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____,
by:

(1) personally delivering a copy of each to the individual at this place, _____;
_____ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____ ; or

(4) returning the summons unexecuted to the court clerk on 7/22/08 ; or

(5) other (specify) COMPANY UNKNOWN AT ADDRESS
CURRENT TEWNAUT AMERICA BUS LINE

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: 07/30

[Signature]
Server's signature

Donaco Herrera Jr USMS
Printed name and title

UNITED STATES MARSHALS SERVICE
280 SOUTH FIRST STREET ROOM 2100
SAN JOSE, CA 95113

Server's address

UNEXECUTED